

***Superseded 5/10/2016***

**10-18-105 Scope of chapter.**

- (1) Nothing in this chapter authorizes any county or other political subdivision of this state to:
  - (a) provide:
    - (i) a cable television service; or
    - (ii) a public telecommunications service; or
  - (b) purchase, lease, construct, maintain, or operate a facility for the purpose of providing:
    - (i) a cable television service; or
    - (ii) a public telecommunications service.
- (2) Except as provided in Subsection (3), this chapter does not apply to a municipality purchasing, leasing, constructing, or equipping facilities:
  - (a) that are designed to provide services within the municipality; and
  - (b) that the municipality:
    - (i) uses for internal municipal government purposes; or
    - (ii) by written contract, leases, sells capacity in, or grants other similar rights to a private provider to use the facilities in connection with a private provider offering:
      - (A) cable television services; or
      - (B) public telecommunications services.
- (3)
  - (a) As used in this Subsection (3), "municipal entity" means:
    - (i) a municipality; or
    - (ii) an entity created pursuant to an agreement:
      - (A) under Title 11, Chapter 13, Interlocal Cooperation Act; and
      - (B) to which a municipality is a party.
  - (b) Notwithstanding Subsection (2), a municipal entity shall comply with Subsection (3)(c) if the municipal entity purchases, leases, constructs, or equips facilities that the municipal entity by written contract leases, sells capacity in, or grants other similar rights to a private provider to use the facilities in connection with a private provider offering:
    - (i) cable television services; or
    - (ii) public telecommunications services.
  - (c) A municipal entity described in Subsection (3)(b) shall, with respect to an action described in Subsection (3)(b), comply with the obligations imposed on a municipality pursuant to:
    - (i) Section 10-18-302; and
    - (ii) Subsections 10-18-303(3) and (4).